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Continued on Page 7

Like Other States, Maine Still Uncertain About Cuts Coming From Washington, D.C.

By Phil Merrill, Executive Director

While the MSEA has carried on with real successes in its annual lobbying effort in the halls of the Maine State House, our national legislators in Washington are involved in deliberations which could affect the jobs of many MSEA members.

For that reason, I have traveled to Washington two times so far this year and will certainly have to return. Our approach is to keep the Maine delegation informed of our concerns, and to work closely with national labor unions and other organizations on issues of importance to Maine state employees. MSEA has been active in the Coalition Against Double Taxation and has kept in close touch with AFSCME, American Federation of Teachers, and the Service Employees International Union on these national issues.

Any fair observer looking at the full range of Reagan proposals before the current Congress would have to conclude that the current administration in Washington wants to cut state governments in half.

Consider: last year, Congress passed Gramm-Rudman, which set targets to reduce the federal deficit every year. People can debate the means but the goal of Gramm-Rudman

is certainly an important one. The bill created an automatic trigger which would cut Federal expenditures unless the President and the Congress took steps to address the debt.

The "trigger" is now being challenged in the U.S. Supreme Court, but the numbers it would produce still provide the backdrop for current budget debates.

Now comes Reagan with his budget, making the automatic trigger numbers look "good" by comparison. He would, while making larger overall cuts in the federal budget, make large increases in Defense spending. The result of Reagan's budget would be to devastate domestic government from town hall to Washington, D.C.

For those of us still trying to sort out these two sets of numbers, we now have a third set developed by a bipartisan coalition of Senators on the Senate Budget Committee. If you're looking for trends — or some reason for optimism — these numbers are in many ways the best we've seen. They come closer to facing up to real needs and they recognize that some tax increases will have to be part of the mix.

Soon Democrats in the House will enter this budget game and there will be enough numbers program-by-program and plan-by-plan to fill a large computer.

Maine state employees' concerns in the Congress are not

limited to spending. Congress is still considering Reagan's "Tax Reform Proposal." As originally proposed it would have taxed our fringe benefits, such as health insurance premiums, and monies that Maine people pay for their state and local taxes.

So on one hand, Reagan proposes high cuts in federal money that goes to the states and on the other he wants the federal government to tax Maine citizens for money that they paid in Maine taxes. That takes money away from states and makes it harder for them to raise it at the local level.

The dust will not settle on this struggle until October or November of this year. In the meantime, state governments and their employees are left with great uncertainty about the scope of the next set of problems Washington will hand on to the states.

Working people, middle class citizens, pay the huge bulk of taxes to Washington. In return for that they have a right to expect that programs that help them will continue to receive support from their federal government. They have a right to expect that others will be asked to pay their fair share of the costs of government.

That is the simple common sense notion that drives our efforts. One wonders whether such common sense has any relevancy to the deliberations in our nation's capitol.

March Board Meeting Highlights

- * **New Board Director** — MSEA President Bob Ruhlin introduced Fred Chase, new Area I Director. He replaces Tiny Huntington who resigned in February.
- * **Income Maintenance Range Change** — Meetings around the state were set up to explain how the State computed IMS workers retro-checks, and what MSEA was doing regarding the union interpretation of the original award by the arbitrator.
- * **Auto Insurance** — Stu Lamont of C. M. Bowker Co. discussed a 9% rate increase, effective May 1, (as participants renew their policies).
- * **Hospitality Rooms** — Board approved up to \$600 for hospitality rooms at Democratic and Republican state conventions (\$300 each).

- * **Building Committee** — The Committee will have final recommendations concerning MSEA's need for more office space for the May 31 spring Council meeting.
- * **Solidarity Dance** — MSEA Vice President Jim Webster urged Directors to encourage dance ticket sales at chapter meetings.
- * **Comparable Worth** — Director Bruce Hodsdon presented MSEA's position that the current Pay System must be modified in bargaining.
- * **Legislation** — Executive Director Phil Merrill updated Board on pending bills: one in particular, to re-organize state government, creating a new Department of Administration which would have both a Bureau of Personnel and a separate Bureau of Employee Relations. Legislative adjournment was April 16, 1986.

Public Sector Union Membership Holding Steady in Maine

In 1985 in Maine, 18.2% of workers in the labor force were in unions, according to the April report issued by Maine's Bureau of Labor Standards. The number of state and local government employees organized rose from 42.5% in 1980 to 45.2% in 1985, though union members in the private sector declined from 16.3% to 13.2% over the same period.

The numbers suggest, as they do nationally, that the Reagan Administration years have been especially hard for private sector union members. While total employment has risen during this period, the number of better-paying manufacturing jobs has consistently fallen; white-collar and lower-paying service jobs have increased, in some areas of the country dramatically.

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643



Fred Chase

New Board Director

Fred Chase, of Bradford, has been elected at a special Area I Caucus in March to the MSEA Board of Directors. Chase will be filling the Board seat vacated by Ervin "Tiny" Huntington, who resigned for personal reasons.

A 26-year Maine State employee (24 with the Department of Transportation), Fred Chase is a Driver-Trainer in Bangor.

Vice-President of MSEA's Local #1, Chase has also been active as a steward for the Eddington area, and on the statewide bargaining committee for the last two contracts. He is a member of the OMS bargaining team now in statewide negotiations this year.

Chase will serve out the rest of Tiny Huntington's term until the November convention, when he intends to run for a full two-year term.

"I hope to be of benefit to the organization and employees," he said. "I've worked all over the state during my career, and know many members."



It's a vote. Early in April, members of MSEA's law enforcement bargaining unit (above) voted in favor of an agreement over pay and work schedules affected by the Administration's application of the Fair Labor Standards Act. Among those affected by recent agreements, settled by employee bargaining teams and Chief Negotiator Steve Leech, are forestry employees, fire investigators, liquor enforcement personnel, Marine Patrol personnel, and motor vehicle investigators.



1986 Summer Institute for Public Sector Union Members

If you went to the Summer Institute last year, you probably walked the picket line with Locals 6 and 7 in Bath. Many MSEA members did, joining other union members from across the state of Maine in support of shipbuilders. It was the high moment of an educational and informative three days. Now it's time to plan another Summer School!

MSEA is sponsoring our fourth Summer Institute for active and retired members, building on previous years of encouraging union support through acquaintance with useful facts — and tactics — for the public workplace.

The purpose of the 4-day Institute is to provide members with the chance to become more knowledgeable in union leadership skills and practice, and to meet and share experiences with other union members and leaders.

The 1986 Summer Institute will be held **July 23-26, 1986** at Bowdoin College in Brunswick (last summer's location). Cost is **\$140** per person, including room, meals, tuition, and materials.

Program

Morning, afternoon and evening courses will focus on a variety of leadership skills, including: grievance handling; negotiating; parliamentary procedure; workplace health and safety; and public speaking.

Workshops will also be offered on rights of union members (including stewards); increasing union participation; and time-stress management.

Scholarships

MSEA's Board of Directors has approved 24 scholarships of \$140 each for MSEA members wishing to attend the 1986 Summer Institute. There are six additional scholarships designed especially for MSEA stewards. Applications for scholarships should be addressed to Summer School Scholarships, MSEA, 65 State St., Augusta, ME 04330, no later than June 20th. Applications should include: name, address, job classification, department, home and work telephone numbers, present union experience and involvement (if any), and reasons why you wish to attend.

Your MSEA chapter may also be providing scholarships for interested chapter members. Contact your chapter president.

Registration Form

Return this form to: 1986 Summer Institute for Public Sector Unionists, c/o MSEA, 65 State St., Augusta, ME 04330.

Name _____ Home Phone: _____

Address _____ Work Phone: _____

City _____ Position in Union (if any) _____

Check enclosed _____ Scholarship Applicant _____

Cost \$140 (includes lodging, meals, tuition and materials) Please indicate if any special considerations are required (i.e., child care, rampways, special diets, etc.).

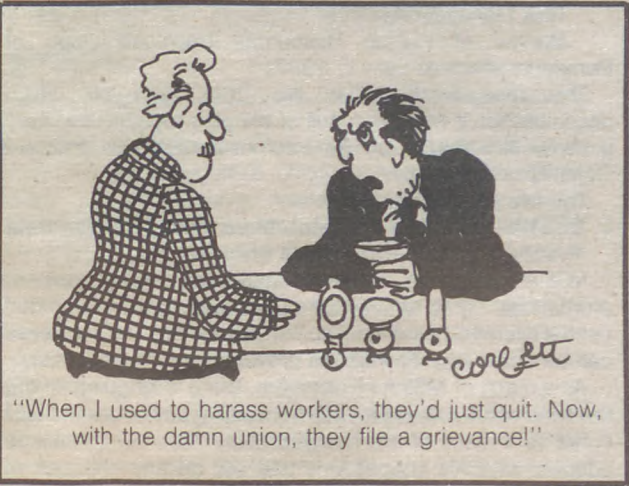
REGISTRATION DEADLINE: June 20, 1986

Health and Safety Program Offered in Portland

On June 4, 1986, the Maine Labor Group on Health, Inc. (MLGH, Inc.) is sponsoring an all-day program at the Ramada Inn in Portland on Health and Safety at the workplace in Maine. The program will present a variety of speakers on workers "right to act" on workplace chemical hazards to "reduce the high rate of accidents and illnesses."

Former MSEA member Diana White is the Program Director for the Maine Labor Group on Health, a non-profit organization whose goal is to protect the health and safety of Maine workers and their families.

MSEA members wishing to attend the program should contact the MLGH, Inc., P. O. Box V, Augusta, 04330 (tel. 289-2770) and ask for an application. \$30 per person, \$25 per person if 3 or more come from the same union, \$10 pre-registration for injured workers (scholarships available).



"When I used to harass workers, they'd just quit. Now, with the damn union, they file a grievance!"

Over 60 MSEA members attended a Washington County Chapter supper meeting in Jonesboro in April. Here, Chapter President Gail Scott, left, and MSEA Board Director Wellington Noyes, present retiring member Harold West with a plaque honoring his many contributions in behalf of the chapter.

Membership Discount

MSEA's Membership Benefits Committee has arranged for a discount program with the American Automobile Association of Maine, beginning during the month of May.

The AAA offers 25% off its membership fee to MSEA members statewide who sign up. Fill out and send in the coupon below for more information on AAA membership services, and decide for yourself.

This offer available only through this MSEA coupon — Return.

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A Strong Legislative Session for MSEA (Cont'd. from pg. 1)

Republican Senators James McBrearty (Aroostook and Carl W. Smith (Mars Hill). Because neither McBrearty nor Smith are seeking re-election their willingness to go out on a limb to support these MSEA contracts must be applauded as genuine concern and support for the integrity of the collective bargaining process. Connolly's support was consistent with his long record as a friend of working people. He should also be credited for his courage, because support of these contracts jeopardized support within that Committee for his bills intended to bolster the AFDC program and other programs beneficial to low-income people. As it turned out, the AFDC bill faltered at the end of the session.

After this tenacious trio made their position clear to the Committee and were joined by Ruth Foster (R-Ellsworth) and Sue Bell (R-South Paris), the bill was headed to the House and Senate floor, and the only question was when and whether the report would be divided. Aware of substantial support for the contracts on the floor and the added support of Senate President Charles Pray (D-Penobscot), the Committee finally agreed to report the bill out unanimously, based upon a compromise worked out by Senate chair Mike Pearson which established a study of the financial and administrative relationships between the three branches of government. The Committee will report its findings to the 113th Legislature. The same separation of powers issues was reviewed by the commission which originally drafted the Judicial Employees Labor Relations Act; this study is not expected to overturn its findings. To the extent it gives the Committee (at least those who return next session) a better understanding of the relationship of the branches of government and of the need for individual bargaining units and employees to address their needs independently in the bargaining process, the study should be beneficial.

Passage of these contracts represents a major victory for the integrity of the collective bargaining process! Congratulations to all Judicial and Executive Branch MSEA members who worked hard for passage of the bill.

L. D. 2174 — AN ACT to Establish the Maine Vocational-Technical Institutes.

This bill creates the Maine Vocational-Technical Institute System as an entity separate from the Executive Branch, much like the Maine Turnpike, Maine Maritime Academy, and the University of Maine. In February, the **Stater** reported on the details of this bill and its transitional provisions, which are intended to protect the rights of employees of the VTI's.

It can now be reported that the bill has been enacted by the Legislature and signed by the Governor on April 16, 1986. What this means is that the MSEA Supervisory Services and Support Services units in the VTI system will now have to negotiate new collective bargaining agreements to replace the state agreements which expire on July 1, 1986. The terms of the expiring contracts will continue until the bargaining process is completed.

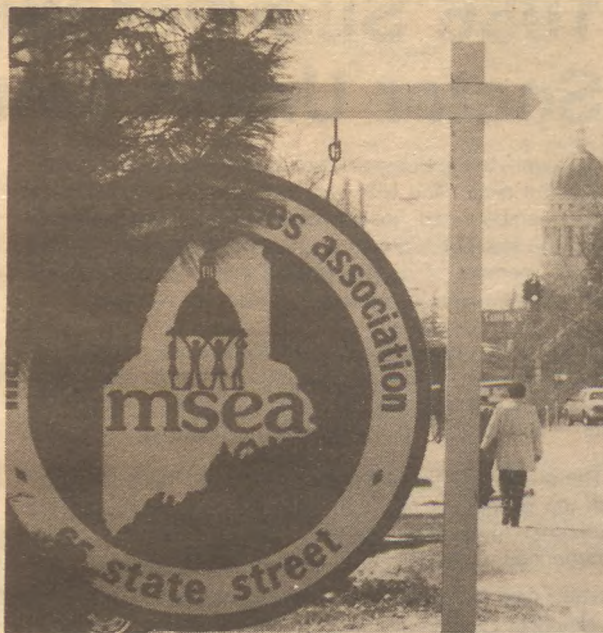
The Governor's Office of Employee Relations will be responsible for management negotiating in the VTI system for the first year. However, this requirement will be repealed on July 1, 1987 so the VTI System Board of Trustees can negotiate for itself after that date. This repealer section was a result of negotiating between the Select Committee on Vocational-Technical Education and the staff of the Governor's Office. While the Governor did not want to specifically free the Board of Trustees from the control of GOER's office, the effect of the repealer is that special legislation will be needed next session to continue that control.

As a result of MSEA involvement, employees at the VTI's and the new VTI Support Office have had their employment rights protected, including the existing right to transfer into a state position for the next two years. Thanks should go to all members of the Select Committee who recognized the need for reasonable and fair transition provisions. Special thanks for their leadership role should go to Jim Handy (D-Lewiston) and Stephen Bost (D-Orono).

The MSEA has also been advised that the VTI System Board of Trustees has voted to include a non-faculty employee on the Search Committee for a new Executive Director of the System. This person is likely to come from one of our bargaining units. No appointment has been made at **Stater** press time.

L. D. 2157 — AN ACT to Grandfather Current Employees regarding the Purchase of Military Service Time.

This bill, enacted by the House and Senate on April 18 and signed by the Governor, appeared favorable for passage throughout the legislative session, especially after the Attorney General issued an opinion that employees with such vested rights cannot constitutionally have them taken away. A bill passed in 1985 had removed the right to purchase military credits from the Maine State Retirement System. This law overturns that 1985 legislation.



Down the road apiece: MSEA headquarters and the State Capitol.

L. D. 2399 — AN ACT to Amend and Improve the Education Laws of Maine.

When the Legislature passed the Education Reform Law in 1985, minimum teacher salaries were established. Provision was made for re-opening local school district negotiations to account for their minimum recommendations and require-

ments. Unfortunately, no such provision was made for state teachers in state institutions and state schools in the unorganized territories. Because of the 1982 Law Court decision which limited our right to negotiate pay ranges for specific classifications, legislation was needed to allow MSEA to negotiate implementation of minimum teacher salaries. Without such legislation, the Department of Personnel was prepared to simply move teachers up from lower levels of pay scales to meet the minimums without making other adjustments.

As a result of the provision in this bill, the State must now negotiate with MSEA as to the impact of implementation of the minimum salaries of teachers and related classifications.

This will allow state schools to remain competitive in teacher salaries with local school districts. Also, the State must negotiate salaries for other related classifications, which are impacted by raises negotiated for state teachers and by increases in salaries for comparable positions in local school districts which can be linked to the raising of teacher salaries.

This legislation represents a progressive step forward in our ability to negotiate salaries based upon a comparison with market conditions without being hampered by the artificial "objective" restrictions in the Hay System.

L. D. 1872 — AN ACT to change Martin Luther King Day from a special observance to a state holiday.

Enacted and signed by the Governor, this bill honors Martin Luther King with a state holiday set for the third Monday in January.

Unions will still have to negotiate the holiday.

MSEA Plays Role in State Government Reorganization

L. D. 2392 AN ACT to Reorganize the Department of Finance and Administration and the Department of Personnel.

This 200-page bill divides the current Department of Finance and Administration into 2 separate Departments, and eventually will fold the Department of Personnel into the new Department of Administration.

The two new Departments will be organized as follows:

Department of Finance (effective July 1, 1986)

- State Controller
- State Tax Assessor
- Bureau of Alcoholic Beverages
- State Budget Office
- State Lottery

Department of Administration (effective July 1, 1986 except as noted)

- State Purchasing
- Bureau of Public Improvements
- Bureau of Employee Relations
- Bureau of Employee Health
- Risk Management
- Bureau of Human Resources (replaces Dept. of Personnel effective July 1, 1987)

This reorganization and the 200 page bill which accomplishes it was the result of bringing together five very separate bills all of which came before the State Government Committee this year.

The five original bills were:

L. D. 2106 AN ACT to Provide More Cost Effective Data Processing in the Executive Branch.

MSEA goals: To prevent employees losing jobs or promotional rights as a result of reorganization, to improve central information services so bargained retro and reclasses can be done expeditiously, to prevent over centralization.

As a result of MSEA involvement, there is language in the law which protects employees from losing pay or promotional rights as a result of this reorganization. Also the committee adopted MSEA's suggestions and put off any changes of personnel from line agencies until a fully developed plan is brought back to, and adopted by the Legislature.

L. D. 1989 AN ACT Relating to the Personnel Law.

This bill would have given all unclassified employees the same right to get on classified registers as classified employees. MSEA's goal was to limit this to unclassified employees in bargaining units and not extend it to "major policy-influencing positions."

MSEA's position was adopted.

L. D. 2016 AN ACT to Create Study Commission on Stress.

Bill would have created a management team appointed by the Governor, Speaker, and President of the Senate to study stress in certain state jobs. MSEA's goal was to give this responsibility to a true labor-management committee.

The bill now creates a true labor-management committee to which MSEA will appoint 5 members and AFSCME will appoint one. The committee has to begin its work in early July and report to the first session of the next Legislature.

L. D. 2227 AN ACT to Establish a Bureau of Employee Health.

The bill would have created the bureau and carried out these programs without regard to bargaining and with the advice of an "employee" committee appointed by the Governor. MSEA's goal was to tie these programs to bargaining and provide for advice from a true labor-management committee.

The Legislature accepted the MSEA approach and amended the bill to make a role for a true labor-management committee. MSEA expects this committee to be created soon and that real progress will be made by stabilizing health insurance premiums and providing more health services to state employees.

L. D. 2120 AN ACT to Establish the Office of Human Resources.

This bill grew out of a study conducted by the Committee on State Government which identified many real problems of state employees but offered a legislative civil service approach to solving them which would have interfered with collective bargaining and which would not have worked. MSEA goals: to make this bill use bargaining to solve the identified problems.

The result is found in 5 MRSA Chapter 372 which embodies several constructive improvements over current law and seeks to force the Executive Branch to address these real problems in bargaining.

1. The Office of Employee Relations and the Department of Personnel are separated. Employee Relations becomes a new Bureau in the Department of Administration as of July 1, 1986; the Department of Personnel becomes the Bureau of Human Resources on July 1st of next year.

2. An advisory board made up mostly of Commissioners is made responsible for state developing programs and presenting them through bargaining to deal with such issues as longevity incentives and speedier state handling of reclass matters. In all these areas MSEA has positive proposals, the State has stonewalled. Their response to the law will be a matter of more discussion in future Staters.

3. Specific training requirements are made part of Maine law including a requirement that all new state employees in their first six months of work go on state time to an orientation program at which the union along with retirement and other programs will be given the opportunity to make a presentation.

4. In all the areas where the legislature has asked the Executive Branch to make improvements in relations with state employees the Legislature has asked for an annual report on what happened in bargaining on those issues.

L. D. 2296 — AN ACT to Encourage Rehabilitation of Members Receiving Disability Benefits under the Maine State Retirement System.

Enacted by the legislature, this bill encourages disabled MSRS members to undergo rehabilitation by requiring the previous employer to restore the member to his/her former job upon successful completion of a rehabilitation program. A 3-person board consisting of physicians appointed by the employee, employer, and the Retirement System would resolve disputes as to whether rehabilitation was successful. MSEA supported this bill and participated in redrafting to ensure that collective bargaining rights of their members were protected and hopeful to ensure that the program is effective and operates smoothly. This is a positive step forward in developing a fair policy which encourages reemployment of rehabilitated employees.

L. D. 2368 — AN ACT to Amend the Laws Relating to and Administered by the Department of Environmental Protection.

Late in the session, this bill was amended in the Energy and Natural Resources Committee to remove the Bureau Chiefs from the classified service and make them subject to political appointment. This move was interpreted by many as both backlash from the Big A decision and an attempt to put pressure on these bureaus as they perform their job of enforcing environmental laws. The MSEA was not informed of these amendments until the bill was ready to reach the floor. We succeeded in amending this section of the bill in the Senate on a close vote. Our amendment was sponsored by Majority Leader Paul Violette (D-Aroostook). Unfortunately, the House adhered to its position on a motion by Representative Michael Michaud (D-Medway), House Chair

of the Energy and Natural Resources. After heavy lobbying by the paper industry lobbyists and members of the committee, the Senate dropped the Violette amendments.

As passed, this bill was especially troubling because it "grandfathered" incumbents in those jobs for only three years. Clearly the intent was to put these people in a position where they would be easily subject to political pressure. MSEA got language repealing the three-year provision in a later bill which did "grandfather" these people for as long as they hold their jobs.

L. D. 2362 — AN ACT to authorize Payment of Retention and Recruitment Stipends.

This bill authorizes negotiation of stipends when labor market conditions make it necessary to do so to attract qualified personnel. The policy laid out in the statute is temporary in that negotiation over the compensation system itself authorized by 1985 legislation is expected to result in development of new policy.

L. D. 2231 — AN ACT to Recodify the laws of the Maine State Retirement System.

This bill rewrites Maine retirement statutes so they are more understandable. No substantive changes were made. MSEA participated in the re-drafting to the extent our resources permitted. The bill takes effect in January 1987, so if errors, omissions, or major changes are found, they can be corrected prior to that date.

L. D. 2202 — Resolve to Establish a Commission to Study Integration of the Maine State Retirement System with Social Security (replaces L. D. 1777).

This bill establishes a commission to analyze the differences and similarities in benefit and contribution structures of the Maine State Retirement System and the

arranged to do personal tasks and accepted outside ... commitment" based on their alternative work schedules.

After reviewing the division needs and the Director's motives for making the change, the arbitrator ruled that the decision to institute the uniform workweek was not arbitrary and capricious — though perhaps it was "over cautious in its timing" and did not take into consideration the possibility that other schedules might have been negotiated.

At the same time, he concluded that eliminating alternative work schedules "affected both present and potential participants in the program" and thus had significant impact on bargaining unit work.

Though the remedy did not reverse the changes put into effect, the arbitrator decided that requiring the State to honor the union's request for bargaining over impact "may well be more conducive to a healthy bargaining relationship than would a more potent remedy."

State Doesn't Have to Bargain Over Impact of Changed Work Schedules in Income Maintenance Bureau

On April 15, arbitrator Renee Kamm issued a decision stating that work schedule changes implemented by the Director of the Income Maintenance Bureau in the Department of Human Services which eliminated alternative work schedules for certain employees did **not** violate MSEA contracts.

In this case, the union claimed in behalf of the affected employees that the State had failed to bargain over the "impact of changes in basic department practice." The arbitrator disagreed.

Alternative work schedules — flex-time and compressed work weeks — were first introduced on an "experimental" basis for employees in the Bureau of Income Maintenance in 1982. They resulted from statewide recommendations of a State/MSEA Labor-Management Committee established under the 1980-81 MSEA contracts. In March 1985, however, the bureau director decided to end compressed workweek schedules for all bureau supervisors who had arranged them (nine out of 54); he also modified flex-time hours for other employees in the bureau. Following

management's refusal to bargain over the impact of these changes, MSEA filed a grievance which went to arbitration.

At the hearing, the state argued that "bargaining history between the parties proves that alternative work schedules were never intended to be permanent unless they were negotiated into the contract." MSEA took the position that alternative work schedules had been available to hundreds of employees statewide for several years and had become

Social Security System, with the intent of providing background information to evaluate proposals for integrating the two systems. The intent is **not to assess for fiscal impact** of any particular proposal to coordinate the 2 systems.

L. D. 2273 — AN ACT to Amend the Law Relating to Group Health Insurance.

This allows certain employees the option to continue health insurance at their own expense, but at group rates upon termination of their group coverage. To qualify for this privilege, the employee must have been an employee for at least 6 months before his coverage is terminated: his coverage must have been terminated because of a temporary layoff or because the employee has suffered a work-related injury compensable under the Workers' Compensation Act not controverted by his employer. No employee may continue coverage if he is eligible for medicare or similar benefits under any other plan, program or other group coverage arrangement.

L. D. 1675 — AN ACT to Clarify Equipment and Vehicle Use Policy — As reported in February, a bill passed which repealed a 1983 law interfering with the contract rights of Inland Fisheries and Wildlife employees to personal use of department vehicles and equipment.

An Administration effort to amend a bill relating to a new discount state liquor store was defeated. The proposed amendment would have allowed waiver of the 10-mile limit placed on new agency stores.

basic department work practices over which any changes must be bargained.

But the arbitrator ruled that management of the Income Maintenance Bureau had never considered the alternative work schedules to be permanently in place:

"While three years may seem to be a long time to carry out an experiment," she said, "there is no evidence to substantiate the claim that the schedule changes stopped being an experiment and became a binding practice."

She concluded that **basic** department practices could be changed only if management negotiated over the impact, but if "experimental practices also carried an obligation for impact negotiations, the distinction between them would be lost."

Annual Alcohol/Drug Abuse Prevention Conference to be Held

The 5th Maine Alcohol/Drug Abuse Prevention Conference will be held on June 12-13, 1986 at Colby College in Waterville. This year's chief focus will be on the **Children of Alcoholics**, and innovative methods for working with children raised in substance-abusing homes.

The program will include a panel discussion and workshops emphasizing prevention; intervention and support services for children; coping with stress; and the role of education and family treatment. Keynote speakers are: Dr. Robert Ackerman, author and Board Director on the National Association of Children of Alcoholics; and Dr. Jeannette Johnson, a Research Psychologist.

MSEA's Board of Directors is offering 5 scholarships for members interested in attending the conference, each covering the total cost of the two-day meeting (\$80) contact Wanda Ingham at MSEA Headquarters by May 22, 1986 (1-800-452-8794).

LETTERS To The Editor



The Maine Stater welcomes letters from MSEA members on issues of general concern to the membership!

Arbitrations

In April, MSEA received opposite decisions from two arbitrators on similar arbitration cases. Each case involved the state's duty to negotiate over the impact of changes made to employee alternative work schedules. Both are discussed below.

State Must Bargain Over Impact of Changed Work Schedules in Data Processing Division

On April 17, arbitrator Marc Greenbaum ruled that a work schedule change made by the Director of Data Processing in the Department of Human Services which removed alternative work schedules for some employees was not "arbitrary and capricious," but **did** violate MSEA contracts through failure to bargain with the union over the impact of those changes.

As remedy, the arbitrator ordered the state to bargain over the impact of the schedule changes retroactive to the date they were implemented.

"Of importance on a statewide scale," Eric Nelson, MSEA Staff Attorney said, "is that the arbitrator concluded that the alternative work schedule in place for three years in Data Processing was a "basic" schedule and came within the protection of the contract. The arbitrator rejected the state's argument that because only a relatively small number of employees participated in alternative work schedules, and because it was an "experimental" program, it would not be considered "basic" and within the protection of the contract's Hours and Work Schedules article."

The grievance which led to the arbitration decision arose when employee work schedules changed following installation of a new data processing system at the division's Augusta location. Unlike the old system, the new one required use of video display terminals and more consistent monitoring of breakdowns. According to the Division Director, testifying for the State, it also required at least a temporary end to the flex-time and compressed workweeks which a number of employees in two units — System and Programming and Data Control — had arranged on an "experimental basis" several years before under terms of the MSEA contracts.

In March 1985, the Director put into place a uniform five-day workweek for all division employees. There was no negotiation with MSEA over the impact of this change on employees.

The impact was substantial. As the arbitrator noted, "a number of the affected employees testified to having

Education Building in Augusta: Time for Action on Health and Safety Questions

April has definitely been a month when Maine State workers at a number of worksites have been made aware of potential safety and health problems — some a much greater cause for concern than others, but all needing attention.

A report issued by the Department of Human Services Bureau of Health on April 4 following investigation of the Department of Education Building in Augusta has concluded that "there is no connection" between five reported cancer cases among employees there and worksite conditions. Radioactive materials kept in the building's basement have been the chief focus of concern, though flaking asbestos in the same area has also become an issue, as has air quality and ventilation in the upstairs print shop area.

The hazardous radioactive materials — cobalt and cesiums stored in lead containers in rooms used by the Civil Emergency Preparedness Office — were determined to have no relation to the cases of cancer in the Education Building diagnosed between the late 1970's and early 1986. Though the employees diagnosed to have several types of cancer (several have died) had worked in the building for anywhere from four to seventeen years, the DHS investigators also concluded that "the total number of cancer cases does not exceed the number expected when compared with national cancer incident rates."

The level of airborne chemicals in the print shop was determined to be significantly lower than the "permissible exposure limits set forth by the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health." Nevertheless, the investigators **did** recommend an increase in the rate of air ventilation for the print shop and adjacent duplicating room.

As the **Stater** went to press, investigation of the asbestos problem in the basement storage area continued. MSEA member Linda Sawyer, an Education Specialist in the building and Kermit Nickerson Chapter Treasurer, said that the asbestos was to be removed in May, but "none of the rest of the building has been tested."

At an April 22 meeting, MSEA Field Rep Carol Webb presented the results of the investigation to chapter members, indicating that the Department of Education intended to follow-up in two ways.

"They've promised to improve the ventilation system in the DOE printing office," Webb said, and ask that the building's water be tested as well. MSEA will also follow-up on their response.



"Did you ever have the sense that you were being watched in this building?"



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Dr. Emerson (center) explained . . .



. . . while Cultural Building employees listened.

State Library (Cont'd. from pg. 1)

other work locations, and that "official notice of layoff" and bumping rights would be available the following Monday, with union representatives present. In the meantime, workers were placed on paid leave.

(On Monday, April 28, the state notified MSEA that all directly affected employees in closed-off areas of the Cultural Building — over 30 working in the Library's first two floors — had been reassigned to other work, most within the Department of Education.

"Not a day's pay has been lost," MSEA Board Director Sharon Hanley, an Information Specialist for the DOE at the State Library, told the **Stater**. "There is to be a meeting on May 7 to look at special projects being planned and materials needed for these people for the summer.")

Press Conference Reveals More Information

What employees learned at the morning meeting on April 23, the press found out at a briefing that afternoon. At that briefing, further scrutiny of the day's events and how the asbestos story developed revealed the following:

* Shelburne Labs had done a "walk-through" inspection on April 2, suggesting that day to the Bureau of Public Improvements Director that the Cultural Building be closed "until such time as a thorough inspection could be completed and the most obviously contaminated areas were cleared." BPI Director Cooney responded by deciding to wait until further testing was completed.

* In a letter written following completion of testing on April 18 and hand-delivered to BPI on April 23, Shelburne Labs' Dr. Emerson stated,

"The large amount of asbestos in the building, its poor condition, the extent of water damage, the presence of friable asbestos in air plenums, the open interior layout of the building and the widespread use of the facility by staff and the general public lead inescapably to the conclusion that the building be shut down immediately and that a competent asbestos contractor be retained for emergency clean-up and abatement work."

It was also learned that the Cultural Building was constructed in 1972-73 with fireproof insulation called "monocoat" containing 15% asbestos sprayed on ceilings. No asbestos in any form was supposed to be used, according to the original building specifications.

* Total cost of asbestos removal and repair work to the Cultural Building may well be \$2 million, most of which will be sought in a Special Session of the Legislature. BPI Director Cooney and Commissioner Scribner also indicated that the State currently owns over 2,000 buildings and that a formal statewide survey for safety problems related to asbestos was being planned which might lead to many millions of dollars in removal costs and "take 20 years."

Following the briefing, MSEA Executive Director Phil Merrill spoke to press and television representatives. He criticized the delay in closing the Cultural Building after the April 2 'walk-through' inspection, management's failure to notify the union of the recommendation to close, and the continuing failure to deal with the years-old faulty construction of the building's roof — the initial source of water damage and responsible for the deteriorating asbestos. Merrill asked for a legislative investigation, even while remedial actions were being undertaken.

ASBESTOS

Asbestos is among the most dangerous materials that you can work with. Because it often takes years to show ill effects, you may feel safe when your life is in danger!

Asbestos is a virtually indestructible fibrous mineral — heatproof, fireproof, and resistant to most chemicals. It is used in more than 3,000 products: shingles for roofing and siding; sheets for exterior and interior walls; pipes to carry water, gas, and sewage; brake linings and clutch facings on automobiles and heavy equipment; papers and felts for roofing; acoustical ceilings; plasterboard; fireproof wall board; sheetrock taping compounds; fireproof insulation for spraying on structural steel; and insulation for pipes and boilers. Almost no group of workers is without potential exposure. Asbestos is now regarded as one of the leading industrial causes of cancer.

Asbestos is known to cause the following diseases:

1. **Asbestosis** — a severe scarring of the lungs caused by inhaling fibers over a period of many years.
2. **Lung Cancer**
3. **Mesothelioma** — a cancer of the membrane lining of the chest or abdomen. Fatal within a year after diagnosis, it is believed to occur only after exposure to asbestos. It can result from small doses of asbestos, well below the current maximum limit.

You should also realize that other insulating materials, such as mineral wool, fiberglass, and other fibers, may well have similar effects as those associated with asbestos because of their physical properties, but at the present time there is no statistical information available.

Maximum Allowable Concentration

There is no known safe level to prevent asbestos-related diseases. The current federal standard of 5 fibers/cubic centimeter (cc) — counting any fibers longer than 5 microns — is aimed at eliminating asbestosis. However, evidence exists that insulation workers exposed to less than 5 fibers/cc have contracted asbestosis.

Protective Measures

Work practices designed to release little or no dust to the air are possible. They must be used! The short fibers of asbestos dust, like water vapor, may stay airborne indefinitely. The following precautions are essential:

1. Any hazardous process should be isolated to limit exposure.
2. All areas should be kept dust-free by adequate ventilation and dust removal equipment.
3. Asbestos materials should be worked while damp wherever possible.
4. Housekeeping methods which keep the material confined to as small an area as possible and sealed disposal containers must be used.
5. The work clothing of exposed workers should be disposable. Restricted areas for cleaning up must be provided so that contaminated clothes will not come into contact with the street clothes of the workers.
6. The use of respirators is essential. However, this is hazardous to workers with cardiac or pulmonary problems as they add to the strain on their heart and lungs. It must be remembered that a respirator is merely a filter and does not eliminate all fibers of respirable length. Workers should be given the choice of respirators.

If you feel a problem with asbestos may exist at your worksite, contact MSEA or Maine State OSHA (289-3331).

What We're Doing About It

Following the April 23 closing of the Cultural Building in Augusta, MSEA leaders and staff met to see what steps could be taken to address the asbestos issue in a comprehensive, effective way. Emphasis was placed on the need for an immediate start, and the ability to sustain a long-term effort aimed at removal or containment of all potential asbestos hazards.

As the Stater went to press, the union is involved in talks with state management about forming a statewide Labor/Management Committee on Safety as soon as possible. (A separate Statewide Health Committee will be created as part of legislation passed this spring to reorganize the state's Department of Finance and Administration).

"We've proposed that this Safety Committee be charged with developing a complete inventory of state buildings where there is asbestos and finding out what condition it's in," said MSEA Executive Director Phil Merrill. He described the general approach just discussed with state officials, emphasizing that the Safety Committee must be "up and going" before the next Special Session of the Legislature, possibly by the end of May.

"The Committee should put together a specific plan which

recognizes the ultimate goal of asbestos removal, and the shorter-term reality that it can't all be taken out at once," said Merrill. "This plan would determine where removal is immediately needed, and where containment of asbestos can be established. Then we'll need to establish procedures for employees engaged in normal maintenance and construction work in asbestos-related work situations in a manner which will pose no risk to their future health."

"Finally, the Safety Committee should go to the Legislature's Appropriations Committee in the very near future seeking substantial funding in a bond issue. The Committee would then report to each legislative session on implementation of the ongoing plan, how much money had been spent, with full details of the Labor/Management consensus."

Size of the Safety Committee will be designed to meet management and all Maine state employee bargaining unit needs. Employees from each bargaining unit and MSEA staff representatives would serve on the union side. Training for the Safety Committee would be provided by a qualified consultant with expertise in asbestos and its proper removal, hired by the State.



Solidarity for Maine railroad workers:

Over 500 supporters from unions in Maine and other New England states marched in behalf of striking employees of the Maine Central Railroad on Saturday, April 14, in South Portland. The two-mile march began and ended at the Industrial Park in South Portland and followed a March rally in Waterville.

MSEA members participated along with members of many Maine AFL-CIO unions. The strike, by 110 members of the Brotherhood of Maintenance of Way Employees, AFL-CIO, began March 3 to protest concessions demanded by the railroad, which last year made \$12 million profit.



MSEA's Capitol-Western Chapter President Bob Rand announced on April 30 that the chapter had donated \$100 to the relief fund for striking railroad workers. Other Chapters wishing to donate funds should send contributions to: AFL-CIO Strike Fund for Railroad Workers, 72 Center St., Brewer, ME 04412.

photos,
Wanda Ingham

Donate Food for the Striking Railroad Workers

The Maine AFL-CIO has organized a statewide Food Caravan to assist workers striking the Maine Central Railroad. Over 700 union members and their families are affected by this strike! The issues are severe **concessions** being demanded by the company while Maine Central Railroad and its out-of-state owner, Guilford Transportation Industries, reaped 12 million dollars profit last year.

The Maine AFL-CIO is appealing to all labor organizations and their members across the state to participate in this program. Our goal is to provide food each week to the striking workers as long as the strike continues. We are asking for your continuing support to help sustain this effort. You can lessen the hardship for the strikers and their families by donating canned goods and non-perishable foodstuffs to the Maine AFL-CIO Railroad Workers Food Caravan.

Local drop sights are being established statewide for easy drop off of your donations. Contact MSEA for more information: 1-800-452-8794.

Food Caravan Drop Sites

WATERVILLE: (Relief Headquarters): Civil Air Patrol Headquarters, Airport Road. (Jim Tardiff, 872-6175)
AUGUSTA: International Brotherhood of Electrical Workers Headquarters, Kendall Street. (623-1030)
LEWISTON: Carpenters Local 407, 1111 Lisbon Street. (Bob Morin, 783-9330)
JAY: United Paperworkers International Union, Local 11.
BATH: Local 6 Union Hall, 722 Washington St. (443-5566).

The Railway Labor Act

"It is organized labor's greatest achievement," said American Federation of Labor President William Green. The achievement he spoke about was the passage of the Railway Labor Act 60 years ago. To cite, it is our nation's oldest continuing labor relations law, and it governs collective bargaining on both interstate railroads and airlines.

Throughout our nation's history, railroads have held a strategic position in the national economy and the transportation network. They were seized and nationalized by the government during the First World War for security purposes.

The 1926 Railway Labor Act emerged out of a volatile period of labor struggles which began soon after the railroads were returned to the private sector in 1920. During the First World War, the government created a Railroad Administration which encouraged union membership, settled grievances, and entered into national agreements with the railroad unions. Under pressure from the railroad companies, Congress discontinued government control and then the trouble began.

A 1920 law governing collective bargaining was ignored by railroad companies such as the Pennsylvania which set up its own company-dominated unions, and then won a Supreme Court decision which permitted its actions. Dissatisfied with the decisions of the government agency overseeing the 1920 law, the railroad shopcrafts went out on strike in 1922 and were decimated.

Neither labor nor management was satisfied with this law which provided for compulsory interest (contract negotiation) arbitration and had no mechanism for enforcement of its decisions. In short, with such chaos on the railroads, better legislation was needed.

Such legislation was suggested to the railroad unions by none other than AFL President Samuel Gompers in 1923. The idea was to provide for the settlement of railroad labor disputes through labor-management conferences, agreements, boards of adjustment, government mediation, and voluntary arbitration if agreed to by both sides.

By 1924, the railroad unions wrote and submitted new legislation to Congress to regulate collective bargaining. When the bill was bottled up in committee by the railroad carriers, President Calvin Coolidge asked both sides to come up with a bill they could agree upon. A labor-management committee was formed the next year. It wrote legislation which was introduced into Congress and later signed into law on May 20, 1926. Only the National Association of Manufacturers lobbied against it.

The Watson-Packer bill, now the Railway Labor Act, dealt with the main issues of collective bargaining: representation; disputes over new contracts; and grievances under existing contracts.

Taking the strongest sections first, the Act set up procedures for settling disputes over terms of a new or renewed contract. Union or management files a section 6 (after the appropriate section of the Act) notice which requires a meeting within 30 days to discuss changes in the terms of the contract. If there is no agreement, an impasse is declared and the dispute usually goes to the National Mediation Board which tries to find areas of agreement between the union and carrier. Failing to get an agreement, either side or the Board can request binding arbitration. If arbitration is rejected by either party, a 30-day countdown begins. At the end of the period, the union is free to strike or the employer can lock-out the employees or impose a contract.

The President of the United States can intervene if arbitration is rejected and appoint an emergency board to examine the issues and report in 30 days. Their findings are not binding on the parties and if rejected, the 30-day countdown begins at this point.

The intent of the law is to keep both sides talking by postponing any final action by management or the union involved. The framers of the legislation believed that no neutral body should have the power to decide the terms of a contract. The choice of binding arbitration is in the procedure but it is clearly a voluntary one.

Representation issues were more difficult to decide because the 1926 legislation did not provide for any means of enforcement. Although the language of the Act called for the "complete independence of self-organization of both parties," company-dominated unions remained on the railroad systems. A Supreme Court decision in 1930 followed by a 1934 amendment to the Act strengthened representation provisions with legal sanctions. Company unions began to disappear and the national railroad unions began to grow again.

The grievance machinery set up in 1926 was a total failure. Again, the 1934 amendments set up the permanent bipartisan National Railroad Adjustment Board (NRAB) which served as the final step in the grievance arbitration procedure. A 1966 amendment created Special Adjustment Boards or Public Law Boards to hear and resolve grievances quickly on the local properties.

Extension of these collective bargaining procedures to the new airline industry was made in 1936, the only exception being that of the national grievance board. To date, airlines and their unions prefer to resolve grievances on the local or system level.

The Railway Labor Act is remarkable in that except for one set of amendments passed 50 years ago, it remains intact as its framers conceived it.

Labor History Series

MSEA is running a series of labor history articles from time-to-time in the **Stater**.

These articles, written by members of the New York State Labor History Association, provide a continuing source of information for this central but often-neglected feature of U.S. History.